

**CITY OF LINCOLN, NEBRASKA  
COMMISSION ON HUMAN RIGHTS  
MINUTES**

THURSDAY, January 27, 2011  
CITY COUNCIL CHAMBERS  
555 S. 10<sup>TH</sup> STREET

The January 27, 2011 meeting of the Commission on Human Rights was called to order at 4 p.m. by Vice-Chairperson Gene Crump.

**ROLL CALL:**

The roll call was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners: Mary Reece, Takako Olson, Dick Noble, Hazell Rodriguez, Sue Oldfield, and Gene Crump (Vice-Chairperson). Quorum present.

**MEMBERS ABSENT:**

Commissioners: Jose Quintero, Karla Cooper and Wendy Francis (Chairperson) .

**STAFF PRESENT:**

Angela Lemke, Margie Nichols, Regina Grant, Loren Mestre-Roberts, Rod Confer, Jocelyn Golden, and Janice Folkner.

**NEW COMMISSIONER SWORN IN**

Joan Ross, City Clerk, was present and swore in the new Commissioner, Susan Oldfield. On behalf of the Lincoln Human Rights Commission and Mayor Beutler, Vice-Chair Crump welcomed Commissioner Oldfield to the Board.

**APPROVAL OF DECEMBER 9, 2010 MINUTES:**

A motion was made by Commissioner Reece and seconded by Commissioner Olson to approve the minutes of the December 9, 2010 meeting as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Reece, Olson and Crump. Abstaining was Commissioners Rodriguez, Noble and Oldfield. Motion carried.

### **APPROVAL OF JANUARY 27, 2011 AGENDA:**

A motion was made by Commissioner Noble and seconded by Commissioner Reece to approve the January 27, 2011 meeting agenda as presented.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Olson, Noble, Rodriguez, Reece and Crump. Abstaining was Commissioner Oldfield. Motion carried.

### **CASE DISPOSITIONS:**

#### **LCHR No.: 10-0209-004-E-R**

A motion for a finding of **No Reasonable Cause** for allegation of a hostile work environment based on race and a motion for a finding of **Reasonable Cause** for allegation of termination based on race was made by Commissioner Crump and seconded by Commissioner Noble.

Discussion ensued. Commissioner Rodriguez questioned the terms of the company policy. She stated it appeared the policy that was in force when the employee was hired was changed at some point in time and it was not clear if the employee was given the new information. There were also some letters that were used in the investigation that made it unclear as to what the policy was. Investigator Lemke stated she talked with the Respondent to clarify her understanding of the policy and received two different answers. One from the Supervisor in Lincoln and one from the Human Resource Director from the headquarter’s office. She said after their discussion, their answers still made it difficult to determine what the company policy is. Rodriguez then questioned what the Investigator’s recommendation of Reasonable Cause was based on. Lemke explained her reason for recommending Reasonable Cause was based on the fact that there did not appear to be a clear cut policy for the employees and the termination of employment had only affected the black employees. She adds there was a white employee who had similar violations, but was not terminated. Rodriguez encouraged the employer be advised there has to be a clarification of their company policy.

Based on this case being a split decision, Vice-Chairperson Crump asked for a motion to divide the question. A motion was made by Commissioner Reece and seconded by Commissioner Noble. Voting “aye” was: Commissioners Noble, Rodriguez, Reece, Olson and Crump. Abstaining was Commissioner Oldfield. Motion carried.

Voting “aye” on the motion for a finding of **No Reasonable Cause** on the allegation of hostile work environment based on race was: Commissioners Reece, Olson, Noble and Crump. Abstaining was Commissioners Rodriguez and Oldfield. Motion carried.

Voting “aye” on the motion of **Reasonable Cause** on the allegation that complainant was terminated based on race was: Commissioners Reece, Olson, Noble and Crump. Abstaining was Commissioners Rodriguez and Oldfield. Motion carried.

**LCHR No.: 10-0430-021-E-R**

A motion for a finding of **No Reasonable Cause** was made by Vice-Chair Crump and seconded by Commissioner Olson.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Reece, Olson, Noble, Rodriguez and Crump. Abstaining was Commissioner Oldfield. Motion carried.

**LCHR No.: 10-0504-002-PA**

Having a conflict with this case, Commissioners Rodriguez and Reece stepped out of the Council Chambers while case was discussed.

A motion for a finding of **No Reasonable Cause** was made by Commissioner Olson and seconded by Commissioner Noble.

Discussion then ensued. Commissioner Olson questioned whether the friend that was identified as being with the Complainant when the incident occurred had filed a complaint as well. Investigator Nichols stated the friend did not file a complaint.

Commissioners Rodriguez and Reece returned for the vote.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Olson, Noble, and Crump. Abstaining was Commissioners Rodriguez, Reece and Oldfield. Motion carried.

**LCHR No.: 10-0504-022-E-R**

A motion for a finding of **No Reasonable Cause** was made by Vice-Chair Crump and seconded by Commissioner Reece.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Noble, Rodriguez, Reece, Olson and Crump. Abstaining was Commissioner Oldfield. Motion carried.

**LCHR No.: 10-0629-028-E-R**

A motion for a finding of **No Reasonable Cause** was made by Commissioner Noble and seconded by Commissioner Reece.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Rodriguez, Reece, Olson, Noble and Crump. Abstaining was Commissioner Oldfield. Motion carried.

**LCHR No.: 10-1021-019-H**

A motion for a finding of **No Reasonable Cause** was made by Vice-Chair Crump and seconded by Commissioner Noble.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Olson, Noble, Rodriguez and Crump. Abstaining was Commissioners Reece and Oldfield. Motion carried.

**PRE-DETERMINATION SETTLEMENT AGREEMENTS:**

**LCHR NO.: 10-0415-017-E-R**

**LCHR NO.: 10-0419-018-E-R**

**LCHR NO.: 10-1210-025-H**

A motion was made by Commissioner Reece and seconded by Commissioner Noble to accept the pre-determination settlement agreements as presented.

Hearing no discussion, Vice-Chair Crump asked for the roll call. Voting “aye” was: Commissioners Reece, Olson, Noble, Rodriguez, and Crump. Abstaining was Commissioner Oldfield. Motion carried.

**OLD BUSINESS:**

A. Update on Human Rights Office Space

Rod Confer stated that the bids have been accepted and construction should be underway very soon. David Wood & Company will be doing the construction. Human Rights will hopefully be moving into the new office space sometime in March.

Commission on Human Rights  
January 27, 2011  
Page 5

**NEW BUSINESS:** None

**PUBLIC COMMENTS:** None

**Next Meeting:** The next meeting will be held on Thursday, February 24, 2011 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10<sup>th</sup> Street.

**ADJOURNED:** The meeting adjourned at 4:39 p.m.